



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/710,162

11/10/2000

Richard M. Onyon

FUSN 1-01008US0

4588

28554

7590

03/17/2008

VIERRA MAGEN MARCUS & DENIRO LLP  
575 MARKET STREET SUITE 2500  
SAN FRANCISCO, CA 94105

EXAMINER

PATEL, HARESH N

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/710,162	<b>Applicant(s)</b> ONYON ET AL.	
	<b>Examiner</b> Haresh N. Patel	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,27-29,31 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,27-29,31 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-4, 6-10, 27-29, 31 and 38 are subject to examination. Claims 5, 11-26, 30 and 32-37 are cancelled.

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection, necessitated by the amendments to the claims.

### ***Double Patenting***

3. Applicant's remark, in the event that this obviousness-type double patenting rejection is the sole remaining rejection, applicants would consider anew whether to file a terminal disclaimer, regarding the double patenting rejection, office action dated 3/19/2007, is noted.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-10, 27-29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al., 7,051,275, Microsoft (Hereinafter Gupta-Microsoft) in view of "Official Notice".

Art Unit: 2154

6. Referring to claim 1, Gupta-Microsoft discloses a method for transferring media data to a network coupled apparatus (e.g., col., 3), comprising: maintaining a storage identified with a user including media data, the storage being coupled to a network (e.g., col., 3); (b) generating a first copy of the media data in the storage (e.g., col., 4); (c) generating a second copy of the media data in the storage (e.g., col., 4), the second version including an update not included in the first version (e.g., col., 4); obtaining difference information comprising differences between the first copy of the and transferring the difference information from the storage to the network coupled apparatus in response to a user request (e.g., col., 4).

However, Gupta-Microsoft does not specifically mention about the storage being personal information space/store. “Official Notice” is taken that both the concept and advantages of providing usage of personal information space/store is well known and expected in the art. For example, 6,850,944 MacCall et al., discloses personal information space/store, e.g., col., 5. Tsai-Yodlee, 7,039,656, also discloses the personal information space/store, e.g., cols. 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include personal information space/store with the teachings of Gupta-Microsoft in order to facilitate usage of the personal information space/store because the personal information space/store would provide support for storing, retaining and representing information that belong to a specific individual. The represented information for the specific individual would be used for synchronization among devices over a network. The synchronized information would be available for the specific individual accessing the device over the network.

7. Referring to claim 2, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses the step, prior to step (a), of receiving information into the storage (e.g., col., 4).

8. Referring to claim 3, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein the step of receiving comprises receiving data from a first network coupled apparatus (e.g., col., 4), and said step (e) includes transferring said media data to a second network coupled apparatus (e.g., col., 4).

9. Referring to claim 6, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein the media data comprises a directory of digital media files (e.g., col., 5).

10. Referring to claim 7, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein said step (a) comprises providing a storage server having a network connection, and code on the storage server interacting with the storage (e.g., col., 6).

11. Referring to claim 8, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein the method further includes providing code on a network-coupled apparatus which receives said difference information and stores the difference information on the network-coupled apparatus (e.g., col., 7).

12. Referring to claim 9, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein said step of transferring comprises instantiating code on a network-coupled server storing said storage to output the difference information to the network-coupled apparatus (e.g., col., 7).

13. Referring to claim 10, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein said step of transferring comprises instantiating code on the network-coupled apparatus to retrieve the difference information (e.g., col., 6).

14. Referring to claim 27, Gupta-Microsoft discloses the claimed limitations as rejected above including limitations rejected under claim 1. Gupta-Microsoft also discloses a system for transferring digital media between a plurality of network coupled devices (e.g., col., 3), comprising: a storage containing digital media readable by an application program (e.g., col., 3); and a processing device associated with the storage (e.g., col., 3), the processing device including: an application data store holding a copy of a previous state of the digital media in the storage (e.g., col., 4), and a device engine comparing at least one change in a record in said storage to said record in said application data store and generating an output file (e.g., col., 4), including at least one delta of the digital media changed in the storage relative to the copy of the digital media in the system data store (e.g., col., 4).

15. Referring to claim 28, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein the storage is provided on a server (e.g., col., 3).

16. Referring to claim 29, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein the server is coupled to the Internet (e.g., col., 4).

17. Referring to claim 31, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses wherein the device engine is provided on a server which includes at least a portion of the storage (e.g., col., 5).

18. Claims 4 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta-Microsoft and “Official Notice” in view of Ohlenbusch et al., 2002/0091785 (Hereinafter Ohlenbusch).

19. Referring to claim 38, Gupta-Microsoft discloses the claimed limitations as rejected above. Gupta-Microsoft also discloses that the network coupled apparatus is a computer (e.g., col., 4). However, Gupta-Microsoft do not specifically mention about the computer being an automotive computer.

Ohlenbusch discloses a well-known concept of using an automotive computer (usage of automotive computers, paragraphs 91 and 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gupta-Microsoft with the teachings of Ohlenbusch in order to facilitate usage of the automotive computer because the automotive computer would provide support for processing data that is sent over the network. The automotive computer

would support receiving the data and hence would support the transferring of data over the network.

20. Referring to claim 4, Gupta-Microsoft and Ohlenbusch disclose the claimed limitations as rejected above. Gupta-Microsoft also discloses the step of, following step (a), identifying the storage associated with the user by prompting a user login from the computer (e.g., col., 4) and retrieving login information input by the user (e.g., col., 4).

21. Claims 1-3, 6-10, 27-29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al., 2002/0049852, Microsoft (Hereinafter Lee) in view of "Official Notice".

22. Referring to claim 1, Lee discloses a method for transferring media data to a network coupled apparatus (e.g., page 3), comprising: maintaining a storage identified with a user including media data, the storage being coupled to a network (e.g., page 3); (b) generating a first copy of the media data in the storage (e.g., page 4); (c) generating a second copy of the media data in the storage (e.g., page 4), the second version including an update not included in the first version (e.g., page 4); obtaining difference information comprising differences between the first copy of the and transferring the difference information from the storage to the network coupled apparatus in response to a user request (e.g., page 4).

However, Lee does not specifically mention about the storage being personal information space/store. "Official Notice" is taken that both the concept and advantages of providing usage of personal information space/store is well known and expected in the art. For example,



6,850,944 MacCall et al., discloses personal information space/store, e.g., col., 5. Tsai-Yodlee, 7,039,656, also discloses the personal information space/store, e.g., cols. 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include personal information space/store with the teachings of Lee in order to facilitate usage of the personal information space/store because the personal information space/store would provide support for storing, retaining and representing information that belong to a specific individual. The represented information for the specific individual would be used for synchronization among devices over a network. The synchronized information would be available for the specific individual accessing the device over the network.

23. Referring to claim 2, Lee discloses the claimed limitations as rejected above. Lee also discloses the step, prior to step (a), of receiving information into the storage (e.g., page 4).

24. Referring to claim 3, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein the step of receiving comprises receiving data from a first network coupled apparatus (e.g., page 4), and said step (e) includes transferring said media data to a second network coupled apparatus (e.g., page 4).

25. Referring to claim 6, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein the media data comprises a directory of digital media files (e.g., page 5).

26. Referring to claim 7, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein said step (a) comprises providing a storage server having a network connection, and code on the storage server interacting with the storage (e.g., page 6).

27. Referring to claim 8, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein the method further includes providing code on a network-coupled apparatus which receives said difference information and stores the difference information on the network-coupled apparatus (e.g., page 7).

28. Referring to claim 9, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein said step of transferring comprises instantiating code on a network-coupled server storing said storage to output the difference information to the network-coupled apparatus (e.g., page 7).

29. Referring to claim 10, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein said step of transferring comprises instantiating code on the network-coupled apparatus to retrieve the difference information (e.g., page 6).

30. Referring to claim 27, Lee discloses the claimed limitations as rejected above including limitations rejected under claim 1. Lee also discloses a system for transferring digital media between a plurality of network coupled devices (e.g., page 3), comprising: a storage containing digital media readable by an application program (e.g., page 3); and a processing device

Art Unit: 2154

associated with the storage (e.g., page 3), the processing device including: an application data store holding a copy of a previous state of the digital media in the storage (e.g., page 4), and a device engine comparing at least one change in a record in said storage to said record in said application data store and generating an output file (e.g., page 4), including at least one delta of the digital media changed in the storage relative to the copy of the digital media in the system data store (e.g., page 4).

31. Referring to claim 28, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein the storage is provided on a server (e.g., page 3).

32. Referring to claim 29, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein the server is coupled to the Internet (e.g., page 4).

33. Referring to claim 31, Lee discloses the claimed limitations as rejected above. Lee also discloses wherein the device engine is provided on a server which includes at least a portion of the storage (e.g., page 5).

34. Claims 4 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and “Official Notice” in view of Ohlenbusch et al., 2002/0091785 (Hereinafter Ohlenbusch).

35. Referring to claim 38, Lee discloses the claimed limitations as rejected above. Lee also discloses that the network coupled apparatus is a computer (e.g., page 4). However, Lee do not specifically mention about the computer being an automotive computer.

Ohlenbusch discloses a well-known concept of using an automotive computer (usage of automotive computers, paragraphs 91 and 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lee with the teachings of Ohlenbusch in order to facilitate usage of the automotive computer because the automotive computer would provide support for processing data that is sent over the network. The automotive computer would support receiving the data and hence would support the transferring of data over the network.

36. Referring to claim 4, Lee and Ohlenbusch disclose the claimed limitations as rejected above. Lee also discloses the step of, following step (a), identifying the storage associated with the user by prompting a user login from the computer (e.g., page 4) and retrieving login information input by the user (e.g., page 4).

### ***Conclusion***

The prior art made of record (PTO form 892 provided with the office actions) and not relied upon is considered pertinent to applicant's disclosure.

In order to expedite the prosecution of this case, multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings

Art Unit: 2154

of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Haresh N. Patel/**

**Primary Examiner, Art Unit 2154**

3/1/08